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FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANTONIO MELENDEZ-TORRES,
aka Antonio Torres Melendez,
Defendant.

No. 3-06-70306 EDL

~~PROPOSED~~ ORDER AND
STIPULATION EXTENDING TIME
UNDER RULE 5.1 AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties appeared on the instant matter May 18, 2006 in front of the Honorable Elizabeth D. Laporte for defendant's initial appearance on the complaint. On May 18, 2006, the matter was continued to June 6, 2006 for a detention hearing and to set an arraignment / preliminary hearing. On June 6, 2006, the parties appeared in front of the Honorable Maria-Elena James, and the matter was continued to June 16, 2006 for detention hearing and to set an arraignment / preliminary hearing. On June 16, 2006, the matter was again continued to June 26, 2006 for detention hearing and to set an arraignment / preliminary hearing.

2. On June 16, 2006, Assistant Public Defender Steven G. Kalar, who represents the defendant, requested an exclusion of time from June 16, 2006 to June 26, 2006, based on

1 effective preparation and continuity of counsel. The defendant agreed to an extension of time for
2 the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of
3 time under the Speedy Trial Act. The parties are involved in discussions which appear likely to
4 lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension
5 of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree
6 that the time from June 16, 2006 to June 26, 2006 should be extended under Rule 5.1(d) and
7 excluded in computing the time within which an information or indictment must be filed. See 18
8 U.S.C. § 3161(h)(8)(A) and (B)(iv).

9 3. In light of the foregoing facts, the failure to grant the requested exclusion would
10 unreasonably deny counsel for the defense the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence. See id. The ends of justice would
12 be served by the Court excluding the proposed time period. These ends outweigh the best
13 interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

14 4. For the reasons stated, the time period from June 16, 2006 to June 26, 2006 is
15 extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial
16 Act, 18 U.S.C. § 3161(h)(8)(A).

17
18 IT IS SO STIPULATED.

19
20 DATED: _____

Respectfully Submitted,

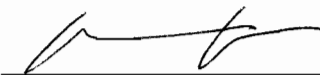
21
22 /S/
NAHLA RAJAN
Special Assistant United States Attorney

23
24 DATED: _____

/S/
STEVEN G. KALAR
Counsel for Antonio Melendez-Torres

25
26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27
28 DATED: 6/19/06


NANDOR VADAS
~~HONORABLE MARIA ELENA JAMES~~
United States Magistrate Judge